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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 SAN JOSE DIVISION
9

10 DAVID HALTERMAN,

11 Plaintiff,

12 v.

13 LEGATO SOFTWARE, a Division of EMC
14 Corporation; EMC CORPORATION, dba
EMC PERIPHERALS, INC., and DOES 1-X,

15 Defendants.
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Case No. C04-2660 JW

STIPULATION AND ~~PROPOSED~~
ORDER CHANGING TIME FOR
DISCLOSURE OF EXPERT
WITNESSES PURSUANT TO
CIV. L.R. 6-2(a)

STIPULATION AND ~~PROPOSED~~ ORDER CHANGING
TIME FOR DISCLOSURE OF EXPERT WITNESSES

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1 PURSUANT TO LOCAL RULE 6-2(a), Plaintiff David Halterman and Defendant
2 EMC Corporation (collectively, "the parties") stipulate as follows:

3 WHEREAS, the October 26, 2004 Scheduling Order requires the parties to
4 disclose expert witnesses and exchange reports on or before July 14, 2005;

5 WHEREAS, on or about April 15, 2005, Defendant requested of Plaintiff that
6 Plaintiff undergo an independent medical examination pursuant to F.R.C.P. 35;

7 WHEREAS, the parties agreed to the independent medical examination in
8 principle, but continue to negotiate the terms;

9 WHEREAS, the Court's assistance may be necessary to resolve the parties'
10 dispute regarding the terms of the independent medical examination;

11 WHEREAS, there is insufficient time between the date of this stipulation and the
12 July 14, 2005 cut-off for disclosure of expert witnesses and reports for Defendant to file a motion
13 with the Court and have the medical examinations and reports completed;

14 WHEREAS, the parties have not sought any other modifications to the schedule
15 for the case; and

16 WHEREAS, the parties' stipulation would affect the time for disclosure of mental
17 health expert witnesses, the time for disclosure of mental health rebuttal witnesses, and the time
18 of discovery cutoff with regard only to mental health expert witness discovery;

19 IT IS HEREBY STIPULATED by and between the parties to this action through
20 their designated counsel as follows:

21 1. the parties respectfully request that this Court modify the October 26, 2004
22 Scheduling Order as follows:

23 (a) the last day for disclosure of Mental Health Expert Witnesses
24 (defined as psychiatrists, psychologists or other mental health experts who may testify about
25 Plaintiff's past and present mental conditions to support or rebut Plaintiff's claims for emotional
26 distress damages) and exchange of Mental Health Expert reports be continued from July 14,
27 2005, until September 1, 2005;

(b) the last day for disclosure of rebuttal Mental Health Expert Witnesses to Mental Health Expert reports be continued from July 25, 2005, until September 12, 2005; and

(c) the close of discovery remain September 14, 2005, except the close of discovery related to Mental Health Expert Witnesses only shall be completed by October 3, 2005.

Dated: June 7, 2005

Respectfully submitted,

KATHRYN BURKETT DICKSON
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Dated: June 7, 2005

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By Michael D. Weil
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IT IS SO ORDERED:

Dated: 6/9/05

/s/ Patricia V. Trumbull
The Honorable ~~James Ware~~ Patricia V. Trumbull
United States District Judge
Magistrate